

MEMO ENDORSED

DOCKET

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CERVECERÍA MODELO DE MÉXICO,  
S. DE R.L. DE C.V. and TRADEMARKS  
GRUPO MODELO, S. DE R.L. DE C.V.,

Plaintiffs,

v.

CB BRAND STRATEGIES, LLC, CROWN  
IMPORTS LLC, and COMPAÑÍA  
CERVECERA DE COAHUILA, S. DE R.L.  
DE C.V.,

Defendants.

Case No. 1:21-cv-01317-LAK

ECF Case

ORAL ARGUMENT REQUESTED

USDC SDNY
DOCUMENT
CHRONOLOGICALLY FILED
CC #:
DATE FILED: 2-24-2023

**NOTICE OF DEFENDANTS' MOTION TO**  
**EXCLUDE ALL ARGUMENT AND EVIDENCE RELATED TO THE DOJ**  
**CORRESPONDENCE AND FINAL JUDGEMENT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Exclude all argument and evidence related to 2020-2021 DOJ Correspondence concerning DOJ's consideration of whether or not to prosecute ABI under the terms of the Final Judgment entered in a separate action captioned *U.S. v. Anheuser-Busch InBev, et al.*, No. 13 Civ. 00127, ECF No. 48 (D.D.C. 2013), and the Declaration of Amal El Bakhar, and the exhibits annexed thereto, and all prior pleadings and proceedings had herein, the undersigned will move this Court before the Honorable Judge Lewis A. Kaplan, United States District Judge, in Courtroom 21B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order excluding all argument and evidence related to the DOJ Correspondence and final judgement, and granting such other further relief as this Court may deem just and proper. The grounds for this motion are set forth in the accompanying Memorandum of Law.

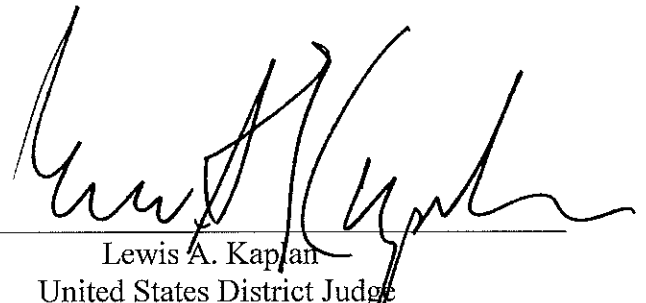
Memorandum Endorsement

Cerveceria Modelo etc. v. CB Brand etc., 21-cv-1317 (LAK)

The motion is GRANTED. The evidence is not relevant, especially given the Court's ruling on plaintiffs' *in limine* motion No. 12. Even if it were relevant, its probative value would be very limited. Hard seltzers did not have a significant presence in the alcohol industry when the Sublicense was negotiated. The interactions with the DOJ that are the subject of this motion then were years in the future and thus could have no more than the most attenuated, if any, value in determining the intentions of the parties to the Sublicense in 2012. In any case, the introduction of this material would be confusing to the jury and necessitate otherwise unnecessary explanation and argument. These concerns very substantially outweigh any probative value. Accordingly, and in the alternative, the evidence is excluded under Rule 403.

SO ORDERED.

Dated: February 24, 2023

  
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Lewis A. Kaplan  
United States District Judge